App F IX 4

Previous References

1947.48
(nil)

File No 91-47
Serial Nos 15, 16

Later References

C-M DC/-20203/505/1

GENERAL AND REVENUE SECRETARIAT

Serial Nos

TWO

Part B for Nov 47

SUBJECT

Grant of a license to Mr Nilagiri Sanjivaiah & construct buildings on his land in Mysore Road, Bangalore

L 10 dtd 10.11.47

To

The Md Commr
Bangalore City

Dir ely that the request for the
may be complied with

Jdn

petition from Mrs Nilgiri Sangeevappa Sangeevappa's estate, Anekal Dist re the grant of a licence to construct on his land in the Mysore Road

Minister's Minute

1) Please call for a report from the Municipal Commr"

Sgd T.C.R.P.
8/7

2) A memo is accordingly submitted

Sgd
8/7

3) Typed
L 1343 8/7 WG
8.7.47

calls for a report

4) Submitted with a draft D.O.

Reminder

5) Some attempt must be made to secure signature from Sheet of 6-7-47 8/9/47

6/9

RECEIVED
6 SEP 1947

Sup AD

1466

Petition from Mr Nulgund Sanjeviah - Landlord - Govindappa's estate - Anekal Taluk - re the grant of licence to put up construction on his land on Mysore road - Bangalore city -

b) Municipal Minute

Please call for a report with the connected records from the Municipal Commissioner

Sd T C M A
9/9

c) Another D.O reminder to the Municipal town is put up

TYPING SECTION
16 SEP 1947
SECTT

d) Some action

To. The Municipal Commissioner
Letter dated 14-9-47
Bangalore

Sec

1466 & 1711

From the Municipal Commissioner Bangalore City

AG C 663
46-47 dated 22-9-47

states that the Trust Board is not in favour of the proposal to grant a license to the Religious Sanjeevarao for the construction of a building on the vacant land in Mysore Road as it is a clear case of private layout which is prohibited under the Trust Board Act

a) It is seen from the municipal office file that the Sanjeevarao wants license to put up some buildings such as a theatre, Shops and Houses, to the west of the temple in Mysore Road.

b) It is reported that the land in

Question is a vast area and has not been assessed to Municipal tax and that the Layout has not yet been sanctioned

V

11) The Chairman, City Improvement Trust Board, Bangalore has, after the inspection of the spot reported that it is a clear case of a private Layout and that the proposed buildings are part of the Layout and that he is not in favour of the grant of license to Mr Nidgiri Sanjeevaiah for the construction on the land in Question

(Page 2)

12) The Municipal Town has therefore issued an endorsement refusing the grant of license to the party

13) Mr Sanjeevaiah has appealed to Govt

2/2 5 1911

Ja redves

14 Refer paras 1 and 6 of the note, below a formality

Rev seen 30/9/47

15) It is stated that the land is not assessed to any municipal tax. But it is contended that it has been assessed - obtain definite information on this point -

2/10/47

16) Appl 2/10/47 Rev 2/10/47

17) A draft letter is submitted

18) To the Mr Bar Council 7-10-47 4/10 Rev and 4/10/47

Calls for the above information & final petition dated 6-10-47 from Mr Nelapu & Sanjeevaiah - Landholder - Amedal - enclosing certain documents and requesting that he may be

TYPING SECTION
14 OCT 1947
ON A EV SMITH

625
17/10

granted a license to construct tenements on his land on the Mayrove Road - Ashes.

19/ Filed with a draft letter to the Municipal Town calling for further reports

Ch Re 17/10 [illegible] for perusal before issue

Answered for 10/7 x 19

TO.

The P-A-G Municipal Town Council dated 14-10-47 calls for the Office file

From the P A-G Municipal Town Barcelona 42- dated 17-10-47

Feds the Municipal Office file on the above subject.

2) It is seen from the Municipal office file that one Mr Venkatasawaiah C/o Mr Nilgiri Sanjeevaiah had on 23-2-1946 applied for the grant of licence to construct buildings such as theatre, shops and houses to the west of the temple in the Mysore Road, Bangalore

3) Reference is invited to the Revenue Officer's report dated 17-7-46 - from which the following information is gathered -

a) that site no 120 in Question is assessed to vacant land tax of Rs 6-3-1 - for an area of 675 square yards

b) that the vacant area in question does not form Municipal road and that the omission cannot be explained.

c) that the Municipality had once proposed the acquisition of this land and the same was dropped

29) It is seen from the records that an area of two acres and 39 guntas on the Alyar Road - (Municipal No 131) belonging to Mr N Sangaranah - was proposed to be acquired by the Bangalore City Municipality - during 1928

30) On 13-11-1945 a license was granted by the City Municipality - in favour of Mr Veera Varadaraah to construct a house on Site No 120 (58' x 38') Sesfi

31) The Municipal Tax of Rs 6-11-1- that is being collected from the Owner of the ~~it~~ owner of the above Site, roughly represents the levy on 4 rs-5es yds

32) The owner of the Site has pointed out that it is not his intention to form any Layout, but that he intends putting up semi Godings for his own use

33 It is not ~~clear~~ why the license has been refused in this case, especially as the

party has been agitating for the grant of the license, since the year 1945

34) It is therefore for consideration, if the Municipal Council may be directed to take action in granting the request of the applicant-firm ~~the~~ ~~it~~ for putting up buildings on his land, in the Mysore Road.

35) Under proviso to Section 25(1) of the Trust Board Act the Municipal Council is competent to grant license in such cases

20/11

per reg) [illegible]

36) From the Copy of the Mysore High Court Judgments & the Connected exhibits and especially from the printed ~~Extra~~ copy of the Extract of the Khirdi (Day-books) of the Bangalore City Municipality, the title of the petitioners to the land (2 acre 39 guntas in extent) is clear

37) Besides the land continues to be municipal land & is not assessed to Land Revenue - It is on record That the land contained several dilapidated building & they were all got pulled down ~~several~~ some years ago by the municipality

Pus 7

38) Such being the case it is unimaginable why the municipality is refusing under some plea or the other ~~refusing~~ to grant the license, though the petitioner is agitating for the same persistently for several years past - ~~The~~ The attitude that has been taken up by the municipality in this case appears to be neither just nor equitable

3) This report states 6.9.47 the ~~President~~ Municipal Commissioner has stated, that an endorsement was issued to the petitioner on 12.9.47 refusing grant of the license as the Chairman City Impt. Trust Bd. opined, that the ~~Case~~ prayer of the petitioner relates to a clear case of private lay out & that the proposed buildings were part of a lay out which was prohibited under the Trust Board Act -

4) It is doubtful if the chairman This view of the C.I.T Board is correct - Proviso to Sec 25(1) of the Trust Bd Act is clear enough in this respect -

Page 'W'

Page 'X'

1711

41, The petitioner wants to utilise the lands for the construction of a cinema house etc in his own land, of which he is in possession ~~for~~ for so many years past. It is therefore a point for consideration if the grant of a licence to him could be refused in this manner on the ground that the plan of construction is in the nature of a private lay out

Since reasonably to refuse the grant of a licence on the ground that it is a private lay out his request may be granted

JH 28/10/47

28/10/47

Minister

Secy & PH

30/10/47

for

Submitted with two drafts for appl

New Secy 29 10 47

Approved

30/10/47

28/10/47

Secy & 30/10/47

EDN. & LABOUR DEPTT.
Dy. No. 2720
Date 27/X

17th

To Mr J Sanjeevaraya
Jewellers Estate
Anekal Dist
108 26 - dt 10-11-47

Endorses that he may allow the Municipal Commr Bangalore City -
108 25 - dt 10-11-47
Copy to All Comm

To
The Municipal Commr Bangalore City -
108 25 dt 10-11-47
Directs that the request of the applicant may be complied with

Please call for a report from the Municipal Commr

mr 9/7-47-13

Before the Government of H i the Maharaja of Mysore, Bangalore

Petitioner - Nilgiri G Sanjiviah, Landholder, Siriappa's Estate, Anekal Talu

Secretariat
Date
No 36

The petitioner above named begs to prefer this appeal against the arbitrary and unjust order of the City Municipal Council which has denied to him the grant of a license to construct on his land in Mysore road after a lapse of 8 months after notice was given to construct for the following amongst other grounds -

FOR & REV SECRETARIAT
12 JULY 1947
S G BRANCH

1 The petitioner who was taking active part in politics over two decades has still some people who do not see eye to eye with him and make use of any opportunity to harm him the Municipal Council of Bangalore City brought the land of the petitioner for acquisition several times and the Benin Government did not approve of this and cancelled the proposal more than once

2 On 11-8-46 he gave notice of his intention to erect some buildings suitable to the locality in question with a Cinema Theatre on the end & other buildings The municipal authorities started their-

their obstructive tactics and wanted the petitioner to prove that he [illegible] the owner of the land in question

3 Even though the demand of the municipal-council was very unreasonable as they themselves had admitted while starting acquisition proceedings that the land belonged to the petitioner, he obtained a copy of the Judgment of the High Court in a Regular Appeal in a previous acquisition case where it was held that he is the ostensible owner

4 Finding that the obstructive tactics was of no avail and license could not but be granted issued the endorsement produced herewith that 'with the observation 'as it is proposed to form a lay out by the party' license is rejected

5 The petitioner begs to submit that he does not propose to form a lay out His intention is to utilise the land and put it to the purpose for which it is most suitable This locality being very near the Industrial suburb, his intention was to construct godowns and shops with a storey and houses and also have a first class Cinema This would have improved the locality to a maximum extent and Lyons Road which gives an approach to City proper would have put on a brilliant appearance

It is respectfully prayed that the Minister in charge-

charge of Bangalore City Municipality may be pleased to send for the file, after perusal set aside the refusal order and direct the Engineer to issue a license to construct according to plan approved by him for which act of kindness the petitioner ever prays.

Bangalore,
24/6/1947

Petitioner

Memo no. L 1343 dated 2-7-47

Forwarded with compliments to the Municipal Commissioner, Bangalore City. In favour of early report in the matter.

for Revenue Secretary
18/7/47

CITY MUNICIPAL OFFICE BANGALORE
3 JUL 1947

A6 C 50/47
One
Despatched
7-C 26-7-47

Ejl 573/47

Memo
Copy of the above forwarded to the Municipal Engineer for early report, with connected papers.

I Reminder 28-8-47

for M C
28/7

Please call for a report & the connected records from the Municipal Council.

9/9/47

Review 8/10/47.

1466/47
11 SEP 47
D 16/9
Date 16/9
No 167

BEFORE THE GOVERNMENT O H H THE MAHARAJA OF MYSORE,

BANGALORE

PETITIONER

Nilgiri G Sanjiviah,
Landlord, Giriappa's Estate,
Anekal Taluk

With reference to the petition submitted to the Minister for Education & Public Health in person on 26-6-47, I beg to mention the following matters for your kind consideration and favourable orders -

The petitioner abovenamed begs to prefer this appeal against the arbitrary and unjust order of the City Municipal Council, which has denied to him the grant of a license to construct on his land in Mysore Road, Bangalore City after a lapse of 8 months after notice was given to construct for the following amongst other grounds -

1 The petitioner who was taking active part in politics over two decades has still some people who do not see eye to eye with him and make use of any opportunity to harm him The Municipal Council of Bangalore City brought the land of the petitioner for acquisition several times and the benigh Government did not approve of this and cancelled the proposal more than once

2 On 11-8-46 he gave notice of his intention to erect some buildings suitable to the locality in question with a Cinema Theatre on one end The Municipal authorities started their obstructive tactics and wanted the petitioner to prove that he was the owner of the land in question

3 Even though the demand of the Municipal Council was very unreasonable as they themselves had admitted

while starting acquisition proceedings that the land belonged to the petitioner, he obtained a copy of the Judgment of the High Court in Regular Appeal in a previous acquisition case where it was held that he is the ostensible owner

4 Finding that the ~~con~~structive tactic was of no avail and license could not but be granted, they issued the endorsement produced herewith that with the observation 'as it is proposed to form a lay out by the party' license is rejected

5 The petitioner begs to submit that he does not propose to form a lay out His intention is to utilise the land and put it to the purpose for which it is most suitable This locality being very near the Industrial Suberb, his intention was to construct godowns and shops with a storey and houses and also have first class cinema This would have improved the locality to a maximum extent and Mysore Road which gives an approach to City proper would have put on a brilliant appearance

It is respectfully prayed that the Minister in Charge of Bangalore City Municipality may be pleased to send for the file, after perusal set aside the refusal order and direct the Engineer to issue a license to construct according to the plan approved by him for which act of kindness the petitioner ever prays

PETITIONER

Bangalore,
27th August 47

Immediate

L. 8944

6/9/47.

Dear Sir,

I am desired to invite reference to this office memo no L 1343 dated 21-7-47 in regard to the grant of a license to Mr Nilgiri Sangeeratna to construct buildings on his land in the Mysore Road and to request that the report called for therein may be submitted to Govt without any

16/9/47

for Asst

Further delay, as the question is
pending long and as the party is
urging for immediate orders in the
matter
the petition should be treated as extremely
urgent & replied to by Tuesday next
positively

Yours
obly

Sabi Dana Shah - Esqs
B-A
Municipal Corp
Bombay City

No
Ref on Pet No } 19 —19
App No
Dis No
Enclosure Dated
Approved on
Copied on by
Examined on by
Signed on Despatched on
Entered in—
Current } Register on
Petition }
Appeal } By
Periodical
Reminded on
WD 0639—GPB—75 000—15-6-45

Immediate

DRAFT L 9478
19/9/47

To Sabi Dava Shah. Esqr
The Municipal Town
Bangalore City

Docket Abstract

Grant of a license to Mr Narayan Sangavaah to construct buildings on his land in Mysore Road Bloc-

Dear Sir,

In inviting reference to this office memo No L/1343 dated 21-7-47 and subsequent reminder No L 5944 dated 6-9-47 on the above subject I am desired to request that the report called for therein may be kindly forwarded to you immediately together with the connected records as the party is very urging for early orders

Yours sincerely
16/9/47
for Secy

BANGALORE CITY MUNICIPALITY

SEN & REV 1711/47 25 SEP 1947 L S G BRANCH

No A6 C 663/46-47

Encl. file with plans

MUNICIPAL OFFICES,
BANGALORE CITY

Dated 22nd Sep. 1947

FROM

SAFI DARASHAH, Esq, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

Syed Abdul Aleem, Esq, B A,
Secretary to the Government of Mysore,
Revenue Department, Bangalore

REVENUE SECRETARIAT GOVERNMENT OF MYSORE No Date 24-9

Subject - Grant of a license to Mr Niligiri Sanjeevappa to construct buildings on his land in the Mysore Road

---

Sir,

With reference to your memo No L 1343 dated 21-7-1947 P W D forwarding for report the petition of Mr Niligiri Sanjeevaiah on the above subject, I have the honour to state that when the subject was referred to the Chairman, City Improvement Trust Board for furnishing his opinion, he opined that he was not in favour of grant of license to the party on the ground that it was a clear case of a private layout and that the proposed buildings were part of a layout, which was prohibited under the Trust Board Act In the circumstances an endorsement refusing the grant of license to the party was issued on 12-4-1947 by the Municipal Engineer A copy of the letter received from the Chairman, City Improvement Trust Board, Bangalore along with the petition sent with the above memo together with the connected references are herewith enclosed for favour of reference

I have the honour to be,
Sir,
Your most obedient servant,

Darashah

Municipal Commissioner

hsr/-

Letter No 2495 dated 17th March 1947 from the Chairman, City Improvement Trust Board, Bangalore to the Municipal Commissioner, Bangalore City

--

Subject - Grant of license to Mr Niligiri Sanjeevlah for construction of building on vacant land in Mysore Road

---

With reference to your letter No A6 C 663/46-47 dated the 6th November 1946 forwarding for opinion the file of connected papers on the above subject, I have the honour to state that I inspected the spot on the 14th March 1947 It seems to me to be a clear case of a private layout and the proposed buildings are part of the layout Private layouts are prohibited under the Trust Board Act

In the circumstances, I am not in favour of grant of license to Mr Niligiri Sanjeeviah for the construction on the land under reference

---

"Copy"

Municipal Commissioner

1962
7 1947
L S C BRANCH

Before the Government of H H the Maharaja of Mysore, Bangalore

Petitioner - Nilgiri G Sanjiviah, Landholder, Anekal

In continuation to his appeal memo against the order of the municipal commissioner refusing to permit him to construct as per plan submitted the petitioner begs to state as follows -

1 In the year 1928 a strip of this land in question was acquired for purposes of widening the road and as the award was contested by this petitioner and others this matter was taken up to High Court and was settled in R A No 49 of 34-35, a copy of the judgment is produced for ready reference

2 Printed book in the above said appeal is also produced and attention is drawn more particularly to pages 75 to 82, 99 to 101 which abundantly prove that this plot of land is municipal property bearing door number 131/1 and has been recognised by the municipal council that this is no longer revenue paying land but municipal property for which vacant land kandayam is levied and collected upto date as printed on pages 80 to 82. A reference to Gazette notification dated 17th May 1928, page 434, Part II will set at rest for ever that this is municipal land bearing municipal number 131/1, wherein the abovesaid acquisition notice has been published

Petitioner produces a receipt bearing number 8177 dated 19-10-45 and an endorsement from municipality dated 30-1-28 which shows that municipal council have never objected that the land

To

L 10122
7/10/47

The Municipal Comm

Bangalore City

Subj - grant of a license to Mr

Nilgiri Sanjeevaiah to construct

dwelling houses on his land on the Mysore

road -

Sir,

With reference to your letter no A6

C 663/46-47 dated 22-9-1947, on the

above subject, I am directed to state

that it is seen from the report that the

land in question is not assessed to

consider that it is not reasonable to refuse

the grant of a license in this case

any municipal tax. But it has also
stated in the office note of records
~~Contended~~ that the land has been
assessed

I am therefore to request you to
kindly furnish, after verification, desired
information on the above point.

The records accompany for reference
Muddan and return

Yours
for
Dy Director 4/11
Bhagalpur

Municipal Commissioner

B.C.663/46.

Office of the Municipal Commissioner,

Dated Bangalore, 17th Oct 1947

Dear Sir,

Subject - Grant of license to Mr Nilgiri Sanjeeviah to construct buildings on his land in the Mysore Road

---

As desired in your D O No L 10345 dated 14th Oct 1947 I am sending herewith the file relating to the above subject and to request that the receipt of the same may kindly be acknowledged

Yours sincerely,

G Ramachandra Rao, Esq , B A ,
Assistant Secretary to Government,
Revenue Department,
Bangalore

hsr/-

11 chapt

To. L10825-ml91-47-16
d 10-11-47

The Municipal Commr
Bangalore city

Subj - Grant of licence to Mr N Sanjeevaiah to construct buildings on site No 120 - Mysore road - Bangalore

Sir,

With reference to your letter No Ab bb3/kb-47 dated 22-9-1947 on the above subject, I am directed to ~~state that~~ invite after examining all aspects of the ~~question~~ work question, and having regard to the special circumstances of the case, Government consider that it is not reasonable to refuse the grant of a license in this case. ——

Reference is also made to the proviso to Section 25(1) of the Trust Board Act, which is clear enough on the point, and which enables the Municipal Council to grant building licences in such certain cases

The records also disclose that the land in question continues to be municipal land and is not assessed to land revenue and that the land contained several dilapidated buildings, which were all got pulled down some years ago by the city Municipality The petitioner wants to utilise ~~the~~ his own land for the construction of houses, etc thereon ~~on his own~~ lease granted

On these circumstances, Government considers that it is not reasonable to refuse the grant to the said petitioner of a licence in the present case and accordingly direct that ~~the~~ his request

[illegible] may be complied with

The Municipal Office [illegible] on the subject is

By Huddam | Feversham returned

[illegible]

30/10/47

from Reverend Ley

[illegible]

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No L 10825-M-91-47-16 *Dated Bangalore,* 10-11-194 7

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore
Revenue Department

To

The Municipal Commissioner,
Bangalore city

Sir,

Sub - Grant of license to Mr. N. Sanjeevaiah to construct Buildings on site No.120 - Mysore Road, Bangalore

***

With reference to your letter No A6.C.663/46-47 dated 22nd September 1947 on the above subject, I am directed to invite reference to the proviso to Section 25(1) of the Bangalore City Improvement Trust Board Act, which is clear enough on the point, and which enables the Municipal Council to grant building license in such cases.

The records also disclose that the land in question continues to be Municipal land and is not assessed to land revenue and that the land contained several dilapidated buildings, which were all got pulled down some years ago by the City Municipality. The petitioner wants to utilise his own land for the construction of houses etc thereon

In these circumstances, Government consider that it is not reasonable to refuse the grant to the said petitioner of a license in the present case and accordingly direct that his request may be complied with.

The Municipal Office file on the subject is herewith returned.

I have the honour to be,
Sir,
Your most obedient servant

for Secretary to Government,
Revenue Department.

1

L 10826 / Rel 91-47 - 4

d 10-11-47

Endorsement granted to Mr. N. Lgiri

y Sangiviah, Landholder -

Yavahas Estate - Anekal Tq.

Sir,

In reply to your application dated 24-6-1947 addressed to the Minister for Education and public Health, regarding the grant of a licence to construct tenements on Site No 120 - Mysore Road - Bangalore, I am directed to inform you that instructions have been issued to the Municipal Town, Bangalore city, who may be approached in the matter

2) The marginally-noted enclosures received with your application are herewith returned

Yr faithfully

for Secy 30/10/47

Revenue dept

P T O

By Regd post

Memo no L 10828-MC-71-41=14
10-11-41 dated

Copy w-c to the Municipal Comm, Bangalore for information

for Secretary

X 1) Judgement Copy

2) Printed Records

3) Kanakayam Receipts.

4) Municipal Endorsement

Pr. 29.10.41